

FILE

30 August 2017

Mayor K Gurunathan  
Kāpiti Coast District Council  
PARAPARAUMU

Dear Mayor Gurunathan

**COUNCILLOR DAVID SCOTT: CODE OF CONDUCT COMPLAINT**

I am writing to lodge a formal Code of Conduct complaint against Councillor David Scott. In particular I consider that he has breached Section 2.0: Principles of Governance and Section 5.3: Relationships with Staff:

**2.0 PRINCIPLES OF GOVERNANCE**

*In the exercise of their governance responsibilities Elected Members will observe the following principles:...*

**Respect for others** – Members must promote equality by treating people with respect, regardless of ethnicity, nationality, age, religion, gender, sexual orientation, or disability. They should respect the impartiality and integrity of Council staff.

**Duty to uphold the law** – Members must uphold the law, and on all occasions act in accordance with the law and the trust the public places in them...

**Leadership** – Members are leaders in their community and must at all times provide leadership by example.

**5.3 RELATIONSHIPS WITH STAFF**

*An effective working relationship between Elected Members and officers is critical to the success of any Council. To ensure the required level of co-operation and trust is maintained Members should:...*

- understand that employees have a statutory right to a safe work environment free from both physical harm and mental harm caused by work related stress;
- acknowledge that any actions (or statements) by Councillors which may in anyway harm an employee (including mental harm) may result in the Council being liable under the Health and Safety in Employment Act 1992;
- treat all staff with courtesy and respect, avoiding contact which is aggressive, offensive or abusive or may constitute unlawful or inappropriate harassment;...

*Failure to observe this portion of the Code may compromise the Council's obligations to act as a good employer and may expose the Council to civil litigation and audit sanctions.*

I have not made the decision to lodge this complaint lightly, but as Chief Executive I am responsible for ensuring that staff have a safe work environment, free from both physical harm and mental harm caused by work related stress. The complaints made are that Councillor David Scott's behaviour is putting staff at risk and this must stop.

Female staff have been reporting inappropriate behaviour from Councillor David Scott since 2015. While the staff members were prepared to report the incidents, no one was prepared to take their complaint further by putting their name to a formal complaint.

The reports that were received describe the following types of alleged unwanted behaviour towards the Council's female staff:

- (a) Asking inappropriate questions (particularly of young staff).
- (b) Commenting on physical attractiveness. In particular the choice of words like good looking, beautiful and gorgeous which have been reported as unwelcome and unacceptable.
- (c) Standing too close and invading personal space.
- (d) Physical contact such as stroking of a back, holding of hips or pressing of bodies.

[REDACTED]

I provide a chronological summary of events:

- On 18 March 2015 at a [REDACTED]

- On 19 March 2015 during [REDACTED]

- In April/May 2015 [REDACTED]

- In 2015 Councillor David Scott [REDACTED]
- During 2015 Councillor [REDACTED]
- On 28 April 2016 Councillor David Scott [REDACTED]
- By now there was serious concern with regard to Councillor David Scott's behaviour but without an official complaint there were limitations on what could be done. However, two actions were taken:
  - Arrangements were discreetly put in place to ensure Councillor David Scott was not able to be alone with a female staff member or Youth Councillor.
  - On 16 May 2016 Mayor Church wrote to Councillor David Scott advising him that he should not be engaging in social conversation with staff (Appendix F).
- [REDACTED] in July 2016 [REDACTED]
- In February 2017 [REDACTED]
- In February 2017 [REDACTED]
- On 13 April 2017 [REDACTED]

As you are well aware this latest complaint has resulted in a charge of indecent assault that is currently before the Courts. I appreciate that this Code of Conduct should not run its course until that case has followed due process. However, I felt it important to place on record that the complaint of [REDACTED] is not an isolated issue and the level of concern I have as the employer of all Council staff.

I appreciate it could be many months before this Code of Conduct complaint can be considered but that you will need to provide a copy to Councillor David Scott. I am also very conscious of the harassment [REDACTED] has experienced since she lodged her complaint with the Police. As a result, I have deleted all references to names of the staff members that have lodged complaints. I will provide another copy with the names reinstated before the Code of Conduct process formally starts.

As the employer, responsible for the safety and wellbeing of staff, I consider that Councillor David Scott's behaviour is completely unacceptable. I regret that the Council may have to spend money to manage this Code of Conduct complaint but if Councillor Scott's behaviour continues then I can expect personal grievance claims and the loss of good staff. Councillor David Scott's behaviour must be addressed.

Yours sincerely,



Pat Dougherty  
CHIEF EXECUTIVE